

**DANIEL J. JAMES**

ATTORNEY AND COUNSELOR AT LAW  
13TH FLOOR, AMERICAN BUILDING  
30 EAST CENTRAL PARKWAY  
CINCINNATI, OHIO 45202

(513) 721-1995

SUBURBAN OFFICE

4226 BRIDGETOWN ROAD  
CINCINNATI, OHIO 45211  
(513) 574-5400

January 31, 1994

Mr. & Mrs. Lee Moore  
1101 Clearbrook  
Cincinnati, Ohio 45229

Re: State of Ohio vs. Lee Moore  
Case No.: B9400481

Dear Mr. & Mrs. Moore:

I wanted to write to you and provide you with my address and phone number. As I indicated to you today outside of Judge Morrissey's Court Room, I have adjusted my schedule and hope to meet with your son tomorrow morning. After I've had a chance to talk with him, I'll get back in touch with you to discuss how these matters will proceed.

If you have any questions, feel free to give me a call. I spend a good deal of time in it so do not be discouraged if I do not return your call immediately. I will keep you apprised of the progress of this case and will be happy to talk to you as time permits.

Sincerely yours,

Daniel J. James

DJJ/kw

003184

Fritz Meyer

#7 1<sup>st</sup> time Jarvis

Chief Deputy, Jury Comm

Duties - responsible - Oblating Jury

How Jury Pool selected

Registered Voters

Jury initially check -

Shuffle Cards

Voter Registration

Systematically excluded - for them

78 - 1<sup>st</sup>

#7 turned 708

some Blacks

got 3 excuses

personal or Business

- Reg Cont - Denied

- Motion - Denied

003186

13. Michael R. Macke, Western Hills - *Seal 2007 problem in 364*
14. Sandra J. Freeman, Woodlawn
15. David A. Peter, Western Hills
16. David M. Weller, Groesbeck - *Seal 2007*
17. Daniel Ashton, Groesbeck
18. Carole A. Baldauf, Springdale
19. Diane L. Borgerding, Anderson Twp.
20. John E. Greivenkamp, White Oak - *problem in 364*
21. Patricia A. Games, Mt. Washington
22. Linda J. Phillips, Price Hill
23. Katherine M. Caito, Anderson Twp. - *Seal 2007 problem in 364 - included not*
24. Guy R. Hopkins, Finneytown
25. Carolyn Savage, Greenhills - *Problem in 364 - Stress can she follow her*
26. Robin A. Mudersbach, Mt. Washington
27. Jane Jackson, Hyde Park
28. Elizabeth P. Baron, Evanston
29. Karla S. Irvine, N. Avondale - *Problem in 364*
30. Carlene E. Williams, Forest Park
31. Carol J. Budd, Green Twp.
32. Belinda S. Kirkland, West End
33. Rebecca S. Baker, Pleasant Ridge
34. Mark R. Meyers, Harrison
35. Gregory R. Jaeger, Miami Twp.
36. Michael P. Whan, Terrace Park
37. William T. Wingo, Cinti.
38. Bruce E. Privett, Anderson Twp.
39. Anita L. Taylor, Green Twp.
40. John W. Hopkins, Springfield Twp.
41. Craig J. McDowell, Anderson Twp.
42. Maureen A. Gonzalez, Montgomery
43. Virginia A. Liwag, Mt. Airy - *Problem in 364*
44. Joseph J. Modaffero, Norwood - *Seal 2007 problem in 364 - EXC 565*
45. Richard A. Scherz, College Hill - *problem in 364*
46. Louis W. Watkins, Avondale
47. Sandra D. Cox, Price Hill - *Problem in 364 - 1 Problem in 364*
48. Scott R. Nazzarine, Anderson Twp.
49. Timothy M. Nienaber, Price Hill - *Seal 2007*
50. Wanda F. Terry, Mt. Healthy

003187



Consent Sec-ds

Schneckloth v. Bursum

totally / circumstances

knowledge of right to refuse. police need not advise if not refuse

? - whether consent was act of free will, voluntarily  
given - not result of duress or coercion  
Pro - must establish consent voluntarily given

003189

Fellhaus

stress notes - disphemi

some - drink, high - 340g + 611 -

in notes - not in taped statement

Notes - he punched

Bleached out

ran to car - did not know if victim shot - hoping he wasn't

Resolution time

DF's notes - start

0445

and 715

2 1/2 hrs

Tennison

behind dumpster - we could leave

Time as we down here  
 where they placed - still no shoes, not given shirt  
 - permitted to make phone call  
 parents, family  
 knowing friends or family advised, collected by  
 police - still under arrest  
 Also in room down here - alone, still handcuffed

[Feldhaus

Nothing to eat

12-13 hrs

- Time 4:45 6:30  
 6:35 - 7:15

Nothing to eat, No sleep  
 Bare Chested No shoes  
 Cold - Wet Handcuffed  
 19. Written statement  
 never interviewed before -  
 not told why held, arrested  
 not given opportunity to call  
 family  
 asked for lawyer - No  
 told - other people making statements  
 charged with 1st degree murder  
 wouldn't look good if he didn't  
 make statement  
 Prosecution Accident

- Accident - drawing

- Discuss other people make  
 statement -

003191



to describe  
in custody  
not free to leave

was in custody, under arrest, not free to go

Time of arrest. M1 Healthy  
where he was held  
- alone - any phone calls

Why telephone  
shut

Handcuffed in jail  
Clothing - Shirt - Shoes  
Describe cell

Any initial interview - age, where he lived -  
how far from school - did anything drink  
any amount of drug or alcohol - Bhang -  
slowly - crying - sniffing, sniffing me.

M1 Healthy - given on the beat  
arrested at - fast food restaurant - food  
taken away  
any thing to drink - was there, sent in cell  
toilet - unusual in cell  
Taken to back room

#1200 - head right - 1st time - met at 5:30  
in b.w. didn't see into view - why not  
tell him what wanted for - why holding him  
tell him why to where taking him  
why downtown - Recall.

know any  
waller - presence  
under compulsion

date 1/20/94 - middle of winter -  
Jan - had been there  
made him walk to car - saw  
no shoes, no shirt,  
just jacket

Stall - Brewer  
48 W 87-350

Ohio Dep Ct - Greene Cty  
Copied last

Interview began 6:43 PM -

→ B. end 10:47 PM

W. hypot. - H. - return 2:20 AM

W. spoke 6 H

2:15 - int. view resumed admission

view for review - confession product of careful + coherent interview

lack of prior experience w police techniques  
length + intensity of interrogation  
monitoring of conversation

at police station  
2 1/2 hrs

Co-framed - W. - sophisticated, college educated adult - through out the  
interview acted assertively - not taking drugs + alcohol. no  
physical problems - apparent; e.g., mental health + lack of prior criminal  
experience were not factors in his decision to confess  
W. did confess - he does because of conscience

alcohol  
drugs

Co - Most work at totality of circumstances  
age, mentality, prior criminal experience of  
accused length, intensity + frequency of interrogation  
evidence of physical deprivation or mistreatment,  
evidence of threat or inducement

003193

#13 - Jane Jackson, Nyue Park  
#14 - Carlene E. Williams, Forest Park

BEFORE JUDGE Robert P. Ruehlman

DATE

No. (B-9400481)

VS.

TRIAL

003194

REPORTER

## BACK ROW

Robin A. Mundersbach  
Mt. Washington

~~David M. Welter~~  
Grossbeek  
NAME STICKS

Diane L. Borgerding  
Anderson Twp.

Guy R. Hopkins  
Finneytown

Jeffrey C. Wellington  
Loveland

Donna M. Mason  
Silverton

Katherine M. Caito  
Anderson Twp.

Patricia A. Games  
Mt. Washington

Linda J. Phillips  
Price Hill

William L. Miller  
Anderson Twp.

Donna F. England  
Anderson Twp.

Richard J. Menchen  
Mack

## FRONT ROW

CARLENE WILLIAM

## VISITOR'S REQUEST

DATE: 8/11/94 TIME: 10:46RESIDENT'S NAME: Lee MooreVISITOR'S NAME: Joan James, Att.LOCATION: NSF31BUILDING: NSF31 FLOOR: POD

(Please give pass to Control Room Officer)

VISITS WILL BE LIMITED TO 15 MINUTES.

EHS Revised 12/93

003195

# erage law ter

lcohol limit  
to 0.02%

MMINS  
ROTH  
nquirer  
ge Voinovich signed  
rdsday legislation that  
y provide a zero tol-  
inking by drivers un-

May 3, the legal defi-  
ken driving for 16- to  
will be 0.02% blood-  
nt. The definition for  
0.10%.

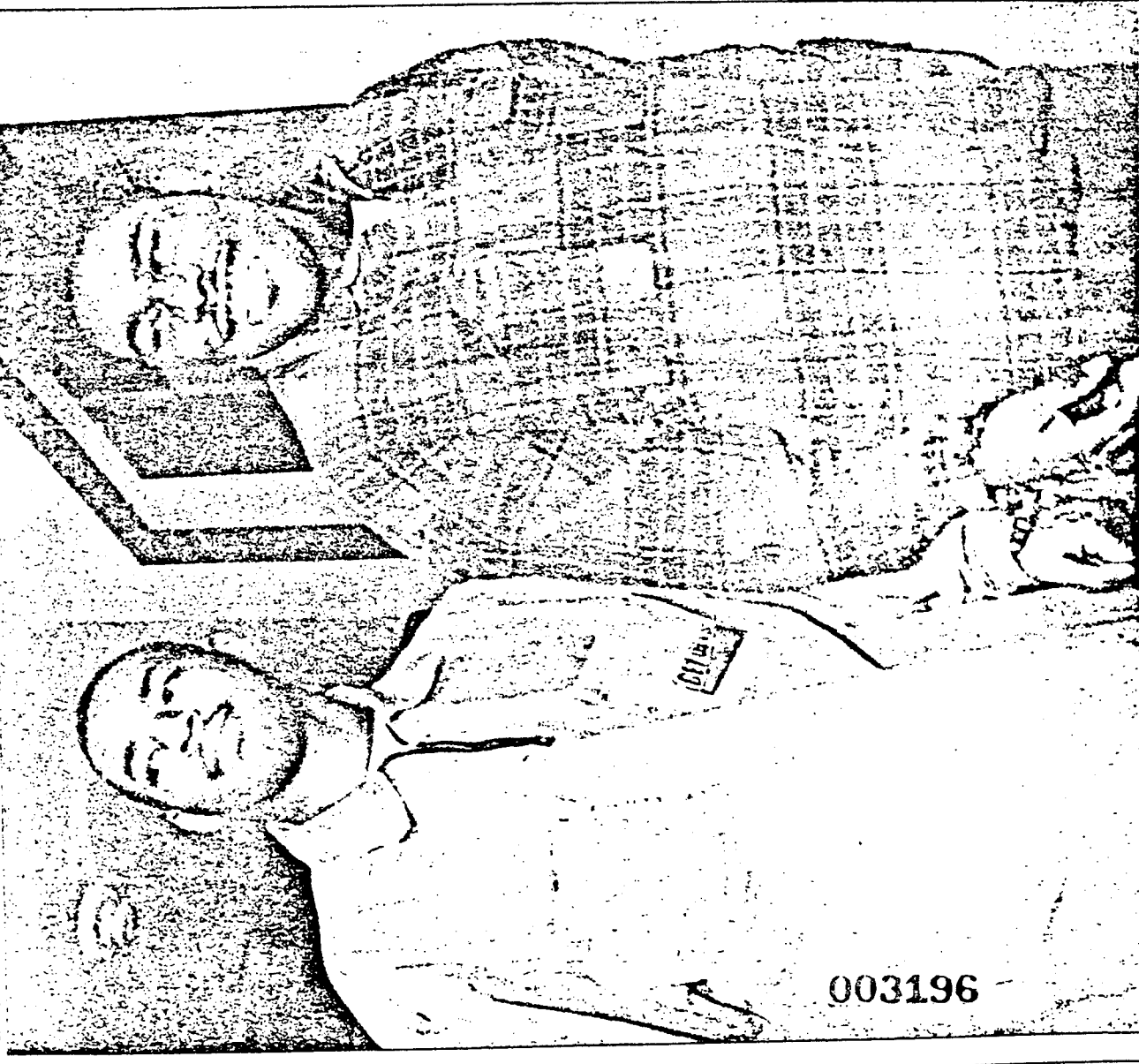
o two means virtually  
ion prior to getting  
noble," Lt. Gov. Mi-  
said.

ig came two days af-  
House subcommittee  
approved legislation  
t 16- to 21-year-olds  
record for a year on a  
"probation-  
ary license"

before they  
could get a  
driver's li-  
cense. That  
measure  
must still  
pass the  
House and  
Senate.

Under

## Teens to be tried as adults



003196

Local researchers dosed  
— mostly poor and mos-

# Radiati Record Reveals

BY TIM BONFIELD  
The Cincinnati Enquirer

In the heat of the Cold War 30 years ago, 89 people with terminal cancer — mostly African-American, mostly poor — suffered the nausea and pain of radiation-induced injury in Cincinnati. Some died painful, premature deaths.

As families hunt today for answers, and Congress debates whether to compensate the unwitting human guinea pigs of Cold War experiments, documents from the University of Cincinnati to the Department of Defense obtained by *The Enquirer* begin to reveal what happened in the basement of General Hospital from 1960 to 1971.

Beginning in 1960, Dr. Eu-

Surv  
173.9  
BY STEV  
The Cincinnati  
Most (most  
who partici  
Hospital' s  
ments we  
American  
of patient  
after the  
Patien  
by The En  
searcher  
radiation  
only 54 o  
The av  
time of ti  
173.9 day  
tion.



# Underage DUI law stricter

Blood-alcohol limit  
lowered to 0.02%

Y DICK KIMMINS  
and DANIEL ROTH  
of Cincinnati Enquirer

Gov. George Voinovich signed into law Thursday legislation that will effectively provide a zero tolerance for drinking by drivers under 21.

Beginning May 3, the legal definition of drunken driving for 16- to 20-year-olds will be 0.02% blood-alcohol content. The definition for adult DUI is 0.10%.

"Point zero two means virtually no consumption prior to getting into an automobile," Lt. Gov. Michael DeWine said.

The signing came two days after an Ohio House subcommittee unanimously approved legislation requiring that 16- to 21-year-olds have a clean record for a year on a "probationary license" before they could get a driver's license. That measure must still pass the House and Senate.

## Liquor level for 0.02%

A 160-pound male who drank 1 ounce of hard liquor or about a half-can of beer in one hour would have a blood-alcohol content that would fit the legal definition of drunken driving for 16- to 20-year-olds

Under the legislation signed Thursday, penalties for an underage DUI

## Teens to be tried as adults



The Cincinnati Enquirer/Michael E. Keating  
Teens Larry Kinley, left, and Jason Holmes leave juvenile court Thursday after a judge ruled they should be tried as adults in the slaying of Chicago businessman Melvin Olinger.

Local researcher  
— mostly poor and

# Radia recol reves

BY TIM BONFIELD  
The Cincinnati Enquirer

In the heat of the Cold War 30 years ago, 89 people with terminal cancer — mostly African-American, mostly poor — suffered the nausea and pain of radiation-induced injury in Cincinnati. Some died painful, premature deaths.

As families hunt today for answers, and Congress debates whether to compensate the unwitting human guinea pigs of Cold War experiments, documents from the University of Cincinnati to the Department of Defense obtained by *The Enquirer* begin to reveal what happened in the basement of General Hospital from 1960 to 1971.

Beginning in 1960, Dr. Eugene Saenger, the father of UC's department of nuclear medicine and a world-leading expert on the health effects of radiation, led a team of scientists whose work for

# Pair face murder charges

Prosecutor calls court behavior 'sickening'

BY SHEILA McLAUGHLIN  
The Cincinnati Enquirer

After two teen-age cousins learned Thursday that they would be tried as adults in the slaying of a Chicago businessman, they grinned and giggled.

Hamilton County Prosecutor Joseph Deters called the behavior "sickening."

"I truly believe anyone who would commit that type of crime just doesn't care," Deters said after the hearing in Hamilton County Juvenile Court. "It won't be appreciated, ever, the magnitude of what they have done."

Judge David Grossmann turned the cases of Larry Kinley, 15, and Jason Holmes, 16, over to a grand jury to consider charges of aggravated murder, aggravated robbery and kidnapping. He ordered both jailed on bonds of \$300,000.

The two could face 50 years to life in prison if indicted and convicted.

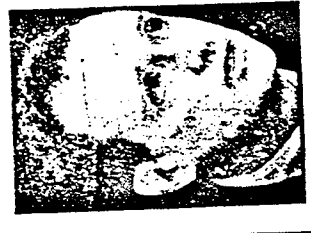
Olinger's body was found Jan. 20 behind a machine-tool compa-

ny in in Cumminsville. He was shot once in the head.

The 53-year-old former Fairfield man had been missing since Jan. 14, after he left a local bar.

Authorities said Kinley and Holmes, of Mount Healthy, and Lee Edward Moore Jr., 19, of Paddock Hills chose Olinger to rob and kill because his car had out-of-state plates. Police have identified Moore as the triggerman. He has been indicted on the same charges facing the others.

Authorities allege that Holmes, a Mount Healthy High School ninth-grader, helped Moore kidnap Olinger from the parking lot at Gina's Lounge in Fairfield. Police said Kinley, an Aiken High School student, accompanied Moore when Olinger



*'It won't be appreciated, ever, the magnitude of what they have done.'*

— Prosecutor Joseph Deters

was killed. Dr. Paul Dearsdorf, a psychologist who often evaluates juvenile defendants to see whether they are fit to be tried as adults, interpreted Kinley's and Holmes' behavior after the hearing as a "sense of bravado." He did not examine the teens.

"Most of the kids bound over on something as serious as this are scared to death," he said. "I think when they see what's ahead, they will lose the smirk."

Kinley's lawyer, Kenneth Lawson, said court psychologist Emmett Cooper reported Kinley "seemed childlike" in his understanding of the events.

"They are going to understand it when they get to the penitentiary," Deters said.

## U.S. ends embargo on Vietnam trade

President Clinton ended the 19-year trade embargo with Vietnam on Thursday, opening the United States to one of the fastest-growing markets in Asia while making an attempt to close a divisive chapter in American history.

Story, A2

Chamber knocks

## mer

High 42°/Low 25°  
Warmer today, with a mix of clouds and sunshine. Mostly cloudy Saturday, with a chance of rain.

this section

## City may cut bait on aquarium

Lawrenceburg casino bidder could build faster

BY RICHARD GREEN

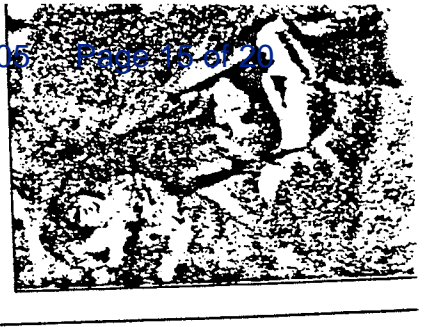
The Cincinnati Enquirer

Cincinnati Mayor Roxanne Qualls conceded Thursday that an aquarium envisioned for

That's a timetable that the city cannot match." Indiana will begin granting gambling licenses this fall. State officials would not predict when officials will be issued for Dearborn County.

Empire Casino & Resort, a subsidiary of Schilling Casino Corp. of Fort Wright, has included the aquarium in a plan

*"We know this was a downtown Cincinnati priority, but we think we can do it quicker than the five to 10 years"*



## McAlpin's mov HQ to Louisville

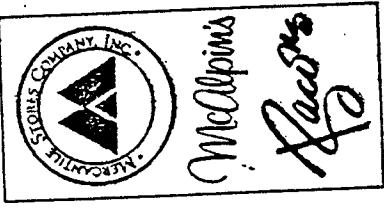
BY SHELLY REESE  
The Cincinnati Enquirer

McAlpin's Department Stores, a downtown fixture for 114 years, will move its corporate headquarters from Fourth Street to Louisville and merge with a sister company in an effort to cut costs.

The restructuring will merge McAlpin's and Louisville-based Bacons Department Stores. The retailers' parent, Mercantile Stores Co. Inc., said Thursday it would "examine" about 130 jobs.

Those jobs, most of them marketing, advertising and merchandising positions held by employees at McAlpin's headquarters, would be eliminated or relocated to Louisville.

The merger, effective immediately, already has eliminated one



retailer's training  
ceed Huhn in  
chain's eight-Cinc  
Schmidt's (S)  
(Please see

► Leader's presi  
end of an era, A  
► Fourth Street  
left hanging A4

THE STATE OF OHIO, HAMILTON COUNTY  
COURT OF COMMON PLEAS  
CRIMINAL DIVISION

STATE OF OHIO : NO. B9400481  
Plaintiff : (Judge Morrissey)  
vs. : STATE'S RESPONSE TO  
LEE MOORE : DEFENDANT'S DEMAND FOR  
 : DISCOVERY  
Defendant :

Now comes the State of Ohio, by and through its Assistant Prosecuting Attorney, Mark E. Piepmeier, and in response to Defendant's Demand for Discovery provides disclosure and inspection of the following information by the Defendant pursuant to Criminal Rule 16(B):

1. STATEMENTS OF DEFENDANT AND CODEFENDANTS:

Police Officer's notes of interview with defendant Moore  
Transcript and tape of statement of defendant Moore  
Transcript and tape of statement of defendant Holmes  
Transcript and tape of statement of defendant Kinley

2. DEFENDANT'S PRIOR CRIMINAL RECORD: Defendant has no known adult record.

3. DOCUMENTS AND TANGIBLE OBJECTS: The following items are available for inspection in the Hamilton County Prosecutor's Office:

Clothing of Lee Moore at arrest

— White leather pouch containing 2 live .357 rounds  
1994 Ford Taurus belonging to victim

*Mercanti  
Presented  
to the  
Judge*

003199



6710 Anderson  
1 Sturm Ruger .357 Caliber Revolver

1 S & W .32 Caliber Revolver

1 18" gold necklace

1 10 Kt. gold bracelet

2 receipts from JC Penney

1 mans gold watch

4 pairs gold earrings in red jewel case

1 ladies gold ring

Numerous pills and suspected crack cocaine. *Not used*

Ohio license plate NMN 685

1 box 30 live .357 rounds - *taken for comparison - none made*

1 Western style holster

1 Colt gun pouch

10 live 9 mm. rounds

Assorted live ammunition rounds

1 gold ring

2 car keys

Wallet and personal papers of Lee Moore

Photos of duplicate items of those purchased with

deceased's credit card

Numerous JC Penney's price tags

Photos of scene of kidnapping in Fairfield

Photos of homicide scene

Photos of above evidence items

Rights forms for defendant Moore

Consent to search forms

Tape cassettes of defendants' statements

Shell credit card receipts

003200

Photo spreads

4. TESTS AND EXAMINATIONS: Fingerprint examinations were performed with no identifiable prints developed.

We are still awaiting results of gunpowder residue tests. Autopsy report to be provided when received.

5. WITNESSES:

Larry Kinley Hamilton County Justice Center  
 Jason Holmes Hamilton County Justice Center  
 X P.O. Robert Dennett Fairfield P.D.  
 Sgt. Edward Roberts Fairfield P.D.  
 P.O. James Williamson Fairfield P.D.  
 P.O. Mike Tiernan Fairfield P.D.  
 X P.O. Don Garrett Fairfield P.D.  
 P.O. Tom Strobe Fairfield P.D.  
 Gail Thomas JC Penny Northgate  
 Aaron Blusky JC Penny Northgate  
 X Charlotte James 5141 Alert New London Rd.  
 Dr. Elliot Gross H.C. Coroner  
 Darrell Anderson 1293 Meredith Dr.  
 Cameron Callery 1054 Loiska Ln.  
 Vinetta Gilliam 627 Chestnut St.  
 Trista Neal 10889 Sprucehill Rd. - *James Seal*  
 X Chief Al Schaefer Mt. Healthy P.D.  
 Asst. Chief Dennis Ohmer Mt. Healthy P.D.  
 X P.O. Jeff Armontrout Mt. Healthy P.D.  
 Sgt. Mike Donathan Mt. Healthy P.D.  
 P.O. Dave Feldhaus C.P.D.  
 P.O. Joe Hoffmann C.P.D.  
 Sgt. John Jay C.P.D.  
 X P.O. Jim Murray C.P.D.  
 Clarence Caesar C.P.D.  
 X P.O. Ray Moreno C.P.D.  
 X P.O. Darlene Lackey C.P.D.  
*Seal in* X *Class. L. wh* P.O. Gary Seal C.P.D.  
 Sgt. Bob Disbennett C.P.D.  
 X John Jannigan JC Penny Tri County  
 Margaret Esmaham JC Penny Tri County  
 Gwendolyn Lay JC Penny Tri County  
 X Krista McKinney JC Penny Tri County  
 X Dan Ringel JC Penny Tri County  
 Bill Schrand H.C. Coroner  
 X Noah Olinger/other Olinger family member  
 Lee Moore Sr. 1101 Clearbrook Dr.

6. EVIDENCE FAVORABLE TO DEFENDANT:

None known.

003201

TEST RESULTS, EXAMINATIONS:

Coroner's Office Lab Reports 318-94-F-S-M (Enclosed)

Coroner's Office Death Record and Autopsy for Melvin Olinger

Page 14 of statement of Jason Holmes (left out of original discovery)

Diagram of Fair Plaza in Fairfield

Diagram of area of 3365 Beekman where body located

ITEMS AVAILABLE FOR INSPECTION (Supplemental):

Receipts from JC Penny



Mark E. Piepmeier, 006894P  
Assistant Prosecuting Attorney  
914 Main Street  
Cincinnati, Ohio 45202  
513/632-8534

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served upon each party or attorney of record in the proceedings for each party by personal delivery on the 29 day of April, 1994.



Mark E. Piepmeier, 006894P  
Assistant Prosecuting Attorney

003202

THE STATE OF OHIO, HAMILTON COUNTY  
COURT OF COMMON PLEAS  
CRIMINAL DIVISION

STATE OF OHIO : NO. B9400481  
Plaintiff : (Judge Morrissey)  
vs. : STATE'S RESPONSE TO  
LEE MOORE : DEFENDANT'S DEMAND FOR  
Defendant : DISCOVERY

Now comes the State of Ohio, by and through its Assistant Prosecuting Attorney, Mark E. Piepmeier, and in response to Defendant's Demand for Discovery provides disclosure and inspection of the following information by the Defendant pursuant to Criminal Rule 16(B):

WITNESSES:

Shatanda Neal 10889 Sprucehill *Gifford*  
Wilma Neal 10889 Sprucehill *Mosher*  
George Neal 10889 Sprucehill *Teeter*  
John Keal 5744 Lake Superior *- saw Lee Moore - at bar*  
Bob Schnur Mt. Healthy H.S.  
Annette Davis H.C. Coroner  
Bill Dean H.C. Coroner  
Dr. Gross H.C. Coroner  
Ron Camden C.P.D.  
Jim Lawson C.P.D.  
Jay Green C.P.D. D-5

003203